

**REMARKS**

Favorable reconsideration of this application, as presently amended, is respectfully requested.

Claims 1-20 are presently active in this case. The above Amendment shows all currently active claims and their respective status for the Examiner's convenience.

In the outstanding Office Action, Claims 1, 2, 6, 8, 9, 11, 13-15 and 16-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mogenis et al. (U.S. Patent No. 6,466,258, hereinafter "the '258 patent") in view of Dockes et al. (U.S. Patent No. 5,974,004, hereinafter "the '004 patent"). Claims 5 and 10 were rejected under 35 U.S.C. §103(a) as unpatentable over the '258 patent in view of the '004 patent as applied to Claims 1 and 8 above, and further in view of Kelly et al. (U.S. Patent No. 6,047,292, hereinafter "the '292 patent"). Claims 7 and 12 were rejected under 35 U.S.C. §103(a) as unpatentable over the '258 patent in view of the '004 patent and further in view of Akagiri (U.S. Patent No. 5,491,481, hereinafter "the '481 patent").

In response to all rejections under 35 U.S.C. §103(a), Applicants respectfully request reconsideration of these rejections and traverse the rejections as discussed next.

In summary, the '004 patent generally teaches a system and method for production of customized compact discs. The system includes acquisition means for acquiring audio data from several CDs and converting the audio data to digital format. Mass storage means are coupled to the acquisition means for storing the audio data in digital format.

The '258 patent, on the other hand, teaches a 911 real-time information communication system having cameras and other sensors installed on the computer's premises. The sensors are interconnected with a central station, which monitors conditions on the premises. Upon the occurrence of an emergency requiring dispatching of public safety officials to the site, the sensor

information is routed to the responding units so that they may monitor conditions within the site during travel, and upon and after arrival.

In the '258 patent, a controller receives audio, video and sensor signals and processes them according to its programming so as to respond to the emergency situation indicated by the sensors or as indicated by a command transmitted over a signal path. The audio and video information is transmitted from the customer's premises to a security center. The controller is connected to a data source that includes information such as floor plans and resources available at the customer's premises.

Σ The '258 patent, however, fails to teach or suggest Applicants' claimed "accessing a financial record in the database using the client identifier" as is recited in independent claims 1, 16 and 19. }

The outstanding Office Action rejects Applicants' Claims 1, 2, 6, 8, 9, 11, 13-15 and 16-20 based on the proposition that the '004 patent discloses the above feature, and that it would have been obvious to modify the '258 system by importing this feature from the '004 patent to arrive at Applicants' claimed invention. Applicants respectfully submit, however, that the '004 patent fails to disclose the above features, as next discussed.

The outstanding Office Action relies on column 3, lines 14-19 and column 5, lines 1-6 of the '004 patent. These passages of the '004 patent indicate that the acquisition means includes a graphical user interface for inputting the identification data into a relational database. The office action further states that a database can include all types of information including "financial information." Reading the '004 patent, a person of ordinary skill in the art would understand that "identification data" includes track titles and artists names as is customarily available on a commercial CD and would *not even remotely relate* this reference to "financial records".

Accordingly, this passage in the '004 patent is *not* "accessing a financial record", as would be required to meet Applicants' claimed feature. Therefore, even if the combination of the '258 patent and '004 patents is assumed to be proper, the combination fails to teach every element of the claimed invention. Specifically, the combination fails to teach the claimed "accessing a financial record in the database using the client identifier". Accordingly, Applicants respectfully traverse, and request reconsideration of, this rejection based on these patents.<sup>1</sup>

Applicants also traverse the statement that "it is inherent that Mogenis' system stores the audio information on some form of recording media though it is not explicitly stated."

[ Applicants require addition proof to support this inherency argument as the sensor or video information of the '258 could be transferred in "real-time" not requiring a storage medium. ]

cd/s  
Applicants further traverse all the outstanding rejections, because if the '004 patent were combined with the '258 it would destroy the '258 patent for its intended function and change its basic principle, namely, to provide public safety officials with real time data so that they may save lives. If "financial records" were routed to the public safety officials in route to an emergency, this would provide no useful data to save human lives. In fact, it would only slow the transfer of useful information, such as floor plans, real-time sensor data, and video images. The emergency prevention software of the '258 patent would not include links to financial information to resolve a life or death matter requiring only "identifying information." The information in the database is directed at public safety, namely, saving human lives and not accounting or financial information. Accessing and sending this information would only delay identification and slow the flow of data to emergency response personnel.

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<sup>1</sup> See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

Thus, if the '004 patent were combined with the '258 patent the proposed combination would destroy the '258 patent for its intended function. In light of the above, Applicants respectfully request reconsideration of all the rejections to claims 1-20 under 35 U.S.C. §103(a) based on their dependency to independent claims 1,16 and 19.

### CONCLUSION

In view of above remarks, reconsideration of the outstanding rejection and allowance of pending claims 1-20 is respectfully requested.

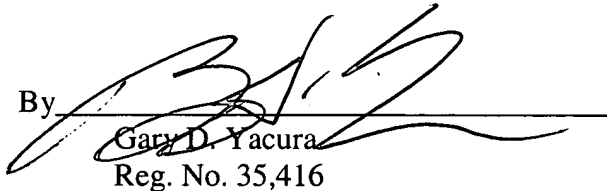
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Timothy J. Maier, Reg. No. 51,986, at the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKEY & PIERCE, PLC

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